

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

BLOUNT PRIDE, INC., a 501(c)(3)
nonprofit organization, and MATTHEW
LOVEGOOD,

Case No.

Plaintiffs,

**COMPLAINT FOR VIOLATIONS
OF THE CIVIL RIGHTS ACT
OF 1871, 42 U.S.C. §1983**

RYAN K. DESMOND, *in his Individual and
Official capacity as the District Attorney General of
Blount County, Tennessee*, JAMES BERONG,
in his official capacity as Blount County Sheriff,
TONY CRISP, *in his official capacity as Maryville
Police Chief*, DAVID CARSWELL, *in his official capacity as Alcoa,
TN Police Chief*, and JONATHAN SKRMETTI, *in
his office capacity as Attorney General of Tennessee*,

Defendants.

**PLAINTIFFS' COUNSEL, JUSTIN S. GILBERT'S, MOTION FOR ALL COUNSEL
FOR PLAINTIFF TO APPEAR TELEPHONICALLY OR VIA VIDEO CONFERENCE
AT THE HEARING ON PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER
(hearing to be scheduled by the Court)**

COMES NOW, Justin S. Gilbert ("Mr. Gilbert") or ("Plaintiffs' Counsel"), counsel for Plaintiffs, Blount Pride, Inc. a 501(c)3 nonprofit organization, and Matthew Lovegood (hereinafter "Plaintiffs"), hereby moves this Court to enter an order granting *Plaintiff's Counsel, Justin Gilbert's Motion for all Counsel for Plaintiffs to Appear Telephonically or Via Video Conference at the Hearing for the Temporary Restraining Order (to be determined by the court)* and in support thereof states as follows:

RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

1. Plaintiffs filed their Complaint on August 20, 2023 (ECF 1).
2. Plaintiffs also filed their Motion for Temporary Restraining Order on August 30, 2023 (ECF 2).

3. Because a hearing will be required on the filing of Plaintiffs' Motion for Temporary Restraining Order, Plaintiffs' counsel states that a number of Plaintiffs' counsel are out of the district and attorney Brice M. Timmons (*Pro Hac Vice* pending) is out of the country out of the country and unable to return prior to September 2, 2023, the date of Blount Pride. His attendance is essential to the case, as he was lead counsel in *Friends of Georges, Inc. v. Mulroy*, 2023 U.S. Dist. LEXIS 96766, *2, __ F.Supp.3d __ (W.D. Tenn. 2023) in which identical issues before the Court were decided by District Judge Thomas Parker and is lead counsel in the appeal of that case pending before the Sixth Circuit. He is also lead, counsel, co-counsel or assisting in the coordination of a number of related cases around the United States including in the Fifth, Ninth, and Eleventh Circuits, rendering his active participation in hearings in this case necessary to his role in those pending suits. Accordingly, Plaintiffs request that their counsel be permitted to attend via teleconference should the Court elect to hold hearings in advance of September 2, 2023.

4. as well as coordinating a number of related cases nationally and will be unable to attend the hearing in-person.

5. Plaintiff's counsel notes that some of Plaintiffs' counsel are able to appear in person if the Court prefers an in person or hybrid hearing.

6. The granting of this motion does not prejudice any party in this action.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this court will grant *Plaintiff's Counsel, Justin S. Gilbert's Motion for all counsel for Plaintiffs to appear Telephonically or via Video Conference at the hearing on Plaintiff's Motion for Temporary*

Restraining Order (hearing to be determined by the court) and for such other and further relief as the Court deems just and proper.

GILBERT LAW, PLC

/s/ Justin S. Gilbert

Justin S. Gilbert (TN Bar No. 017079)
100 W. Martin Luther King Blvd, Suite 501
Chattanooga, TN 37402
Telephone: 423.756.8203
justin@schoolandworklaw.com